



April 10, 2009

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## ENGROSSED SENATE BILL No. 303

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DIGEST OF SB 303 (Updated April 7, 2009 5:29 pm - DI 14)

**Citations Affected:** IC 31-9; IC 31-19.

**Synopsis:** Adoption records. Requires a person that is required to store, maintain, or release certain adoption records or other adoption information to store and maintain the records or other information for at least 99 years from the date the adoption is filed, unless the records or other information are transferred to the state registrar. Specifies that certain records may be automatically transferred to the state registrar. Provides that the adoption records or other adoption information may be stored and maintained in an electronic or other format. Requires the department of child services to consider a child who is two years of age or older a hard to place child for determining eligibility for state adoption subsidies.

**Effective:** July 1, 2009.

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**Miller, Lubbers, Simpson**

(HOUSE SPONSOR — LAWSON L)

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January 7, 2009, read first time and referred to Committee on Judiciary.  
February 2, 2009, amended, reported favorably — Do Pass.  
February 19, 2009, read second time, call withdrawn.  
February 23, 2009, re-read second time, amended, ordered engrossed.  
February 24, 2009, engrossed. Read third time, passed. Yeas 48, nays 1.

HOUSE ACTION

March 2, 2009, read first time and referred to Committee on Public Policy.  
April 9, 2009, reported — Do Pass.

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ES 303—LS 7159/DI 110+



April 10, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED SENATE BILL No. 303

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A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 31-9-2-89, AS AMENDED BY P.L.138-2007,  
2 SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 89. (a) "Person", for purposes of IC 31-19-19 and  
4 the juvenile law, means:  
5 (1) a human being;  
6 (2) a corporation;  
7 (3) a limited liability company;  
8 (4) a partnership;  
9 (5) an unincorporated association; or  
10 (6) a governmental entity.  
11 (b) "Person", for purposes of section 44.5 of this chapter, means an  
12 adult or a minor.  
13 (c) "Person", for purposes of IC 31-27, means an individual who is  
14 at least twenty-one (21) years of age, a corporation, a partnership, a  
15 voluntary association, or other entity.  
16 (d) "Person", for purposes of the Uniform Child Custody  
17 Jurisdiction Act under IC 31-21, has the meaning set forth in

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1 IC 31-21-2-13.

2 SECTION 2. IC 31-19-19-0.5 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2009]: **Sec. 0.5. (a) This section does not**  
5 **apply to a confidential intermediary appointed under IC 31-19-24.**

6 **(b) Except as provided in subsection (c) or (d), a person that is**  
7 **required to store, maintain, or release adoption records or other**  
8 **adoption information under IC 31-19-12-5, IC 31-19-17,**  
9 **IC 31-19-18, this chapter, or IC 31-19-20 through IC 31-19-25 shall**  
10 **store and maintain the adoption records or other adoption**  
11 **information for at least ninety-nine (99) years after the date the**  
12 **adoption was filed. Unless otherwise provided by law, the adoption**  
13 **records or other adoption information may be stored and**  
14 **maintained in an electronic or other format, including microfiche,**  
15 **microfilm, or a digital format.**

16 **(c) A person who transfers adoption records or other adoption**  
17 **information to the state registrar or a transferee agency in**  
18 **accordance with IC 31-19-12-5 is not required to comply with the**  
19 **storage or maintenance requirements of subsection (b).**

20 **(d) A person, including a court, who obtains custody of or**  
21 **jurisdiction over adoption records or other adoption information**  
22 **following the dissolution, sale, transfer, closure, relocation, or**  
23 **death of a person shall transfer the records or other information**  
24 **to the state registrar or a transferee agency in accordance with**  
25 **IC 31-19-12-5, unless the person wishes to store and maintain the**  
26 **records in accordance with subsection (b).**

27 SECTION 3. IC 31-19-27-1.5 IS ADDED TO THE INDIANA  
28 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
29 [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. The department shall**  
30 **consider a child who is two (2) years of age or older a hard to place**  
31 **child for determining eligibility for state adoption subsidies.**

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## COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 303, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 31-9-2-84 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 84. "Nonidentifying information", for purposes of IC 31-19-18, ~~IC 31-19-21~~, IC 31-19-23, and IC 31-19-24, means any information, other than a medical history, that:

- (1) concerns an interested person to an adoption; and
- (2) does not identify a birth parent, an adoptive parent, or an adoptee."

Page 2, line 6, delete "A" and insert "**Except as provided in subsection (c) or (d), a**".

Page 2, line 7, after "under" insert "**IC 31-19-12-5**".

Page 2, line 10, after "years" insert "**after the date the adoption was filed**".

Page 2, after line 13, begin a new paragraph and insert:

**"(c) A person who transfers adoption records or other adoption information to the state registrar or a transferee agency in accordance with IC 31-19-12-5 is not required to comply with the storage or maintenance requirements of subsection (b).**

**(d) A person, including a court, who obtains custody of or jurisdiction over adoption records or other adoption information following the dissolution, sale, transfer, closure, relocation, or death of a person shall transfer the records or other information to the state registrar or a transferee agency in accordance with IC 31-19-12-5, unless the person wishes to store and maintain the records in accordance with subsection (b).**

SECTION 3. IC 31-19-20-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. IC 31-19-19, this chapter, and ~~IC 31-19-21~~ **IC 31-19-23** through IC 31-19-24 do not restrict a provider (as defined in IC 16-18-2-295) from releasing medical records to an attorney or agency arranging an adoption if the provider receives the appropriate authorization under IC 16-39-1.

SECTION 4. IC 31-19-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to adoptions that are filed after December 31, 1993: **every adoption, no matter when filed. However, the state registrar may not release**

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**identifying information with respect to an adoption filed before January 1, 1994, until July 1, 2010.**

SECTION 5. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 31-19-21; IC 31-19-22."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 303 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 6, Nays 0.

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SENATE MOTION

Madam President: I move that Senate Bill 303 be amended to read as follows:

Page 1, delete lines 1 through 8.

Page 2, delete lines 35 through 42.

Delete page 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 303 as printed February 3, 2009.)

MILLER

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SENATE MOTION

Madam President: I move that Senate Bill 303 be amended to read as follows:

Page 3, between lines 4 and 5, begin a new paragraph and insert:

"SECTION 6. IC 31-19-27-1.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 1.5. The department shall consider a child who is two (2) years of age or older a hard to place child for determining eligibility for state adoption subsidies.**".

Renumber all SECTIONS consecutively.

(Reference is to SB 303 as printed February 3, 2009.)

SIMPSON

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred Senate Bill 303, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

VAN HAAFTEN, Chair

Committee Vote: yeas 9, nays 0.

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